



## TUALATIN RIVERKEEPERS.

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September 2, 2014

Don Yon  
Oregon Department of Environmental Quality  
Nonpoint Source Pollution Coordinator  
811 SW Sixth Avenue  
Portland OR 97204

Dear Mr. Yon,

Tualatin Riverkeepers offers the following comments on the **2014 Final Draft Oregon Nonpoint Source Management Program Plan**.

1. **Urban Forestry for Stormwater Runoff Management** – Oregon Department of Forestry's (ODF) Urban & Community Forestry Program offers communities assistance and guidance in developing urban forestry plans and programs. In 2011 ODF and Oregon Community Trees sponsored a conference on **Community Trees for Healthy Streams**<sup>1</sup>. Urban forestry policies can make a significant contribution to nonpoint source management. Specific examples include **Clean Water Services' Tree for All**<sup>2</sup> program and the **City of Portland's Urban Tree Canopy Program**<sup>3</sup>.

The City of Tigard has recently received a national award from the American Planning Association for its collaborative process involving diverse stakeholders to revise their tree code<sup>4</sup>. The code revisions have a goal of increasing tree canopy in the city to 40% from its current 25%. Using incentives and flexible planning standards, Tigard is successfully protecting significant tree groves in newly urbanizing areas.

Urban forestry should be a keystone in DEQ's nonpoint management program. On November 18, Tualatin Riverkeepers, ODF and The Intertwine Alliance are holding a day-long workshop in Tualatin with diverse stakeholder's to review Tigard's innovative process and code revisions and initiate similar processes in other communities. We invite DEQ to participate.

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<sup>1</sup> <http://oregoncommunitytrees.org/home/annual-conferences/conferences/conference-2011/>

<sup>2</sup> <http://www.jointreeforall.org/>

<sup>3</sup> <https://www.portlandoregon.gov/bes/63490>

<sup>4</sup> [http://youtu.be/YLaTVRQb\\_KY](http://youtu.be/YLaTVRQb_KY)

- 2. Land Use Planning for Stormwater Runoff Management** – In the past few years, Metro and Washington County have approved designation of Urban Reserves and Urban Growth Boundary expansions with little or no consideration of the implications for stormwater runoff.

In particular, Urban Reserves designation and UGB expansions have happened on Cooper Mountain where the NRCS soil survey reveals that 100% of the acreage is "Very limited" for "disposal of wastewater by rapid infiltration" and also "Very limited" for "overland flow treatment of wastewater". According to the Natural Resources Conservation Service, "'Very limited' indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.'

DEQ has issued new MS4 permits that require post construction pollution and runoff controls that

- a. ...target natural surface or predevelopment hydrologic functions...; and,
- b. "Reduce site specific post-development stormwater runoff volume, duration and rates of discharges to the municipal separate storm sewer system (MS4) to minimize hydrological and water quality impacts from impervious surfaces...; and,
- c. prioritize and include implementation of Low-Impact Development (LID), Green Infrastructure (GI) or equivalent design and construction approaches; and,
- d. capture and treat 80% of the annual average runoff volume, based on a documented local or regional rainfall frequency and intensity.

At the same time that DEQ is issuing MS4 permits that target hydrology and LID design, Metro, a Designated Management Agency (DMA) in the revised Tualatin TMDL for urban land use decisions is targeting areas for development that make the new post-construction runoff controls geologically impossible. DEQ's nonpoint plan should hold Metro as a DMA accountable for the nonpoint source impacts of their land use decisions.

- 3. Development on Steep Slopes** – According to this draft plan, "Local communities are expected and in some cases required to adopt development ordinances...and manage development in hazard prone areas to prevent loss of life and property." Steep slopes are included as an example of a hazard prone area.

This Nonpoint Source Management Plan should give clear guidance to local communities on what is expected in development ordinances that eliminate anthropogenic runoff from development on steep slopes. An example of the apparent inadequacies of local plans are Tigard's liabilities for \$20-\$30 million in infrastructure repairs due to development on the steep slopes of Bull Mountain.<sup>5</sup> (See attached article from The Times.) The recommendation on page 63 of this draft that development ordinances are adopted addressing hillside development should include specific language addressing hydrology as

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<sup>5</sup> <http://www.pamplinmedia.com/ttt/89-news/211646-69319-erosion-problems-cut-deep-on-bull-mountain>

described in the Phase I MS4 permits. Specific guidance on should include restrictions on hillside development including avoidance of steep slopes that causes increased stormwater runoff.

4. **Forest Practices Act Revisions** - As mentioned on pages 55 and 56 of this draft plan, streams on private forests are not as well protected from temperature impacts as streams on state forest lands. Tualatin Riverkeepers appreciates the rule-making actions initiated by the Board of Forestry in the finding of degradation of resources. Attention is also needed to assure that polluted runoff from logging roads is also addressed.
5. **Agricultural Water Quality Plans** - Oregon Department of Agriculture has made positive changes in their water quality program to move to more proactive measures, rather than an over-reliance on complaint-driven measures. Implementation is limited to a few watersheds at the current time. In order to accomplish long-term goals (state water quality standards and TMDL allocations) the program needs funding to support implementation beyond a few select watersheds.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Brian Wegener". The signature is written in dark ink and is positioned above the printed name.

Brian Wegener, Riverkeeper  
Advocacy Manager